



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/650,134

08/28/2003

Mengtao Pete He

29930.9800

6333

48236

7590

05/31/2006

SNELL & WILMER, LLP  
ONE ARIZONA CENTER  
400 E. VAN BUREN  
PHOENIX, AZ 85004-2202

EXAMINER

CONLEY, SEAN EVERETT

ART UNIT

PAPER NUMBER

1744

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/650,134

Applicant(s)

HE ET AL.

Examiner

Sean E. Conley

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/13/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment filed March 14, 2006 has been received and considered for examination. Claims 1-5 are pending.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vieira (U.S. Patent No. 6,487,367 B2) in view of O'Neil (U.S. Patent No. 4,739,928).

Regarding claims 1 and 5, Vieira discloses an air freshener dispenser comprising a first vaporizable material (aromatic or insecticide inside chamber (17)), a second vaporizable material (a different aromatic or insecticide inside chamber (18)) and a common delivery system comprising a transfer mechanism and an evaporation region (heating block (1)). The transfer mechanism comprises a first wick structure (19) that is in liquid communication with the first vaporizable material (aromatic liquid in chamber (17)) and a second wick structure (20) that is in liquid communication with the second vaporizable material (aromatic liquid in chamber (18)) (see figure 4; col. 6, line 57 to col. 7, line 62). Vieira also discloses a transfer mechanism (first and second wick structures) that is physically attached to the delivery system (heating block (1) with

heating element(s)) (see col. 7, lines 25-46). Vieira fails to teach an evaporation region comprising a pad in liquid communication with the first and second wick structures (17, 18).

O'Neil discloses an air freshener dispenser that comprises a reservoir (container (12)) containing a volatile liquid fragrance composition that is carried to an emanator pad (22) by a wick means (16) for subsequent diffusion from the pad into the atmosphere (see col. 1, lines 7-12; col. 2, lines 45-50; figure 1). In use, the emanator pad (22) is contacted with the wick (16) so that the volatile liquid fragrance can be wicked from the container (12) to the emanator pad (22) and then diffused into the atmosphere by evaporation (see col. 5, lines 25-30). This reference has been relied upon to teach that it is well known to attach a pad in liquid communication with a wick in order to enhance diffusion and evaporation of a volatile liquid fragrance.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Vieira and include an emanator pad in liquid communication with the wick structures as taught by O'Neil in order to enhance diffusion and evaporation of the fragrance from the wicks into the atmosphere via the emanator pad.

Regarding claim 2, Vieira discloses that the first vaporizable material includes a first fragrance and the second vaporizable material includes a second fragrance (see col. 7, lines 50-54 – in an aromatherapy, two different aromatics can be placed in chambers 17, 18 so that they can be evaporated to produce a mixture of aromatics).

Regarding claim 3, Vieira discloses that the first and second volatilizable materials (fragrances) are physically attached to the delivery system (attached by first and second wicks (19, 20) inside of chambers (17, 18) containing the volatilizable aromatics) (see col. 7, lines 25-33 and 47-54).

Regarding claim 4, Vieira discloses a delivery system that further comprises a controller (heating block (1) with a heating element) configured to modulate the amounts of the first and second volatilizable materials evaporated into the environment (see col. 3, lines 43-67).

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection. See rejection above in view of Vieira (U.S. Patent No. 6,487,367 B2) and O'Neil (U.S. Patent No. 4,739,928).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

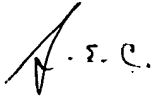
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean E. Conley whose telephone number is 571-272-8414. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SEC



May 24, 2006



KRISANNE JASTRZAB  
PRIMARY EXAMINER